

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

TERESA MILLER,

Plaintiff,

v.

Civil Action No. 2:17-cv-03951

JUDGE PHILLIP D. GAUJOT, Monongalia County
Circuit Court Judge; JUDGE SUMMERS;
ROBERT W. TRUMBLE, United States District
Court for the Northern District of West
Virginia Magistrate Judge; DEANDRA BURTON;
STEPHEN FITZ; ASHLEY HUNT; MICHAEL PARMER;
WILLIAM PENNINGTON; EDMUND ROLLO; CIRCUIT
COURT OF MONONGALIA COUNTY; WEST VIRGINIA
STATE SUPREME COURT OF APPEALS; UNITED
STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF WEST VIRGINIA; UNITED STATES
COURT OF APPEALS FOR THE FOURTH CIRCUIT,

Defendants.

MEMORANDUM OPINION AND ORDER

The court received the Proposed Findings and
Recommendation ("PF&R") of United States Magistrate Judge Dwane
L. Tinsley on February 5, 2020, which recommends that the court
dismiss this civil action pursuant to 28 U.S.C. § 1915(e)(2)(B)
for failure to state a claim upon which relief can be granted
and for seeking monetary relief from defendants who are immune
from such relief. In particular, the PF&R recommends dismissal
because monetary damages are barred against all defendants under
Heck v. Humphrey, 512 U.S. 477 (1994), and against specific

defendants under the doctrines of judicial immunity and prosecutorial immunity. The plaintiff, Teresa Miller, filed in writing that which she termed as objections to the PF&R on February 19, 2020.


The court reviews de novo those portions of a Magistrate Judge's PF&R to which "specific written objections" are timely filed. 28 U.S.C. § 636(b)(1); Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005). A plaintiff waives the right to full district court review of the PF&R when she fails to file "specific written objections." Diamond, 416 F.3d at 316. Indeed, a failure to object allows the court to adopt the PF&R in its entirety. Solis v. Malkani, 638 F.3d 269, 274 (4th Cir. 2011).

The plaintiff's written objections merely recount part of the procedural history of the case and cite legal standards for Federal Rules of Civil Procedure that are not at issue in the case. The plaintiff fails to allege any specific objections or to identify any portions of the PF&R to which she objects. Based on the failure to provide specific written objections to the PF&R, the court adopts the findings and recommendation.

Accordingly, it is ORDERED that the findings made in the PF&R be, and they hereby are, adopted by the court and incorporated herein. It is further ORDERED that this action be, and it hereby is, dismissed and removed from the docket of the court.

The Clerk is directed to transmit copies of this memorandum opinion and order to the plaintiff, all counsel of record, and the United States Magistrate Judge.

ENTER: April 30, 2020


John T. Copenhaver, Jr.
Senior United States District Judge